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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70345
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
GLENIO JESUA FERREIRA SILVA,)	
)	
Defendant.)	
_____)	

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the September 14, 2007 calendar and be continued until September 28, 2007 and that time should be excluded from the Speedy Trial Act calculations from September 14, 2007 through September 28, 2007 for effective preparation of counsel. The Government has provided voluminous discovery to the defendant and defense counsel requires time to review it. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.

1 5.1(c),(d). The parties represent that granting this continuance is necessary for effective
2 preparation of counsel to permit defense counsel to review discovery and to afford counsel time
3 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18
4 U.S.C. § 3161(h)(8)(B)(iv).

5 IT IS SO STIPULATED.

6 SCOTT N. SCHOOLS
7 United States Attorney

8 DATED: September 12, 2007

9 /s/
10 DENISE MARIE BARTON
Assistant United States Attorney

11 DATED: September 12, 2007

12 /s/
13 STEVEN GRUEL
Attorney for GLENIO JESUA FERREIRA
14 SILVA

15 **IT IS SO ORDERED.**

16 For the reasons stated above, the Court finds that the ends of justice served by the
17 continuance outweigh the best interests of the public and the defendant in a speedy trial and that
18 time should be excluded from the Speedy Trial Act calculations from September 14, 2007
19 through September 28, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A).
20 The failure to grant the requested continuance would deny the defendant effective preparation of
21 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
22 justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

23
24
25 DATED: _____

26 Honorable Elizabeth Laporte
27 United States Magistrate Judge